

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Sep 28, 2020

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,
Plaintiff,

-vs-

MAXWELL DELVON JONES,
Defendant.

No. 2:13-CR-0052-WFN-1

ORDER

Pending before the Court is Defendant's Motion to Reduce Sentence. ECF No. 291. Defendant has exhausted his claim with the Bureau of Prisons [BOP]. The Court lacks jurisdiction to grant Mr. Jones' motion because his appeal remains pending before the Ninth Circuit. This Court issues the following advisory opinion regarding the suitability of compassionate release.

Mr. Jones must demonstrate that "(i) extraordinary and compelling reasons warrant such a reduction; or (ii) the defendant is at least 70 years of age, has served at least 30 years in prison, pursuant to a sentence imposed under section 3559(c) . . . and a determination has been made by the Director of the Bureau of Prisons that the defendant is not a danger to the safety of any other person or the community, as provided under section 3142(g)." 18 U.S.C. § 3582(c)(1)(A). As Defendant is not over 70 years old, he must demonstrate that extraordinary and compelling reasons warrant reduction.

Defendant has demonstrated compelling reasons warranting a sentence reduction. Defendant suffers from health issues that increase his risk of death if he contracts COVID-19. He has submitted documentation of obesity as well as hypertension. ECF No. 303. Evidence demonstrates that he faces an increased chance of serious illness and death if he were to contract COVID-19. Mr. Jones's release date is October 18, 2020. He poses

1 no additional threat to the community now than he will in a month's time. Release is subject
2 to his state detainer. The Court expresses no opinion as to the advisability of modification
3 of his state sentence. Consequently, the Court concludes that Defendant has presented
4 compelling reasons for a modification of his sentence. The Court has reviewed the file and
5 Motion and is fully informed. Accordingly,

6 **IT IS ORDERED** that the Court recommends that Defendant's Motion to Reduce
7 Sentence, filed May 6, 2020, **ECF No. 291**, be **GRANTED**.

8 The District Court Executive is directed to file this Order and provide copies to
9 counsel.

10 **DATED** this 28th day of September, 2020.

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12 _____
13 WM. FREMMING NIELSEN
14 SENIOR UNITED STATES DISTRICT JUDGE

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